

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. John Lee Graham, Jr.

Docket No. 5:06-CR-233-1F

Petition for Action on Supervised Release

COMES NOW Julie Wise Rosa, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of John Lee Graham, Jr., who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess With the Intent to Distribute More Than Fifty (50) Grams of Cocaine Base, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on June 20, 2012, to the custody of the Bureau of Prisons for a term of 141 months. On June 2, 2009, pursuant to 18 U.S.C. § 3582(c)(2), his sentence was reduced to 114 months. On June 20, 2012, his sentence was then reduced to 90 months custody pursuant to 18 U.S.C. § 3582(c)(2). It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. The defendant shall participate in such vocational training program as may be directed by the probation office.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

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**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

John Lee Graham, Jr. was released from custody on March 15, 2013, at which time the term of supervised release commenced. On January 27, 2014, the defendant tested positive for the use of cocaine. The court was notified and he was referred for treatment. His drug testing was also increased. On September 18, 2014, Graham tested positive for the use of cocaine. Based upon this conduct, the probation office recommends that the defendant serve two days in custody. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of two (2) consecutive days, commencing as soon as can be arranged by the probation office, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/Julie Wise Rosa
Julie Wise Rosa
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: October 10, 2014

ORDER OF COURT

Considered and ordered this 14 day of October, 2014, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge